

MONTANA LEGISLATIVE HISTORY

Chapter 190 1983

Bill H _____ S 87

Original bill & history ☒ C

H. Committee on Local Gov't

Hearing Date(s) 3/10 ☒ C

Exec. Action 3/10 ☒ C

_____ ☐ C

_____ ☐ C

Date Out _____ ☐ C

S. Committee on Local Gov't

Hearing Date(s) 1/13 ☒ C

Exec. Action 2/10 ☒ C

_____ ☐ C

_____ ☐ C

Did this bill originate in an interim committee? ☐ Yes ☒ No

Committee _____

Report _____

3RD READING: 03/28/83, BE CONCURRED IN AYES: 88; NAYS: 9

RETURNED TO SENATE WITH AMENDMENTS: 03/28/83

HOUSE AMENDMENTS -- 2ND READING: 03/31/83 AYES: 49; NAYS: 0

HOUSE AMENDMENTS -- 3RD READING: 04/01/83 AYES: 46; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/08/83

SIGNED: 04/12/83, CHAPTER 442

SB 85 -- THOMAS, CHRISTIAENS, KEATING, ET AL. -- REDUCING THE REQUIRED PERIOD OF NOTICE BY PUBLICATION FOR A PUBLIC HEARING ON AN URBAN RENEWAL PLAN

INTRODUCED: 01/08/83

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 01/08/83

HEARING: 1/13/83

DIED IN COMMITTEE

SB 86 -- THOMAS, KEATING, MILLER -- REDUCING THE COMMENT PERIOD ON A RESOLUTION OF INTENT TO ANNEX BY A FIRST-CLASS CITY FROM 20 DAYS TO 10 DAYS

INTRODUCED: 01/08/83

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 01/08/83

HEARING: 1/13/83

DIED IN COMMITTEE

SB 87 -- THOMAS, KEATING, BERGENE, ET AL. -- ALLOWING THE INITIAL PERIOD OF APPROVAL FOR A PRELIMINARY PLAT OF A PROPOSED SUBDIVISION BY A LOCAL GOVERNING BODY TO RANGE FROM 1 YEAR TO 3 YEARS

INTRODUCED: 01/08/83

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 01/08/83

HEARING: 1/13/83

REPORT: 02/11/83, DO PASS, AS AMENDED

2ND READING: 02/14/83 AYES: 50; NAYS: 0

3RD READING: 2/16/83 AYES: 49; NAYS: 0

TRANSMITTED TO HOUSE: 2/16/83

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 03/01/83

HEARING: 3/10/83

REPORT: 03/11/83, BE CONCURRED IN

2ND READING: 03/12/83, BE CONCURRED IN AYES: 86; NAYS: 2

3RD READING: 03/14/83, BE CONCURRED IN AYES: 97; NAYS: 1

RETURNED TO SENATE: 3/14/83

TRANSMITTED TO GOVERNOR: 03/21/83

SIGNED: 3/23/83, CHAPTER 190

SB 88 -- FULLER, J. BROWN -- GIVING THE DEPARTMENT OF LABOR AND INDUSTRY DISCRETION IN WHETHER TO INITIATE A CIVIL SUIT TO COLLECT UNEMPLOYMENT INSURANCE CONTRIBUTIONS; ... AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BY REQUEST OF: THE DEPARTMENT OF LABOR AND INDUSTRY

INTRODUCED: 01/10/83

REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS: 01/10/83

HEARING: 1/18/83

REPORT: 01/21/83, DO PASS

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1 *Senate* BILL NO. *87*
2 INTRODUCED BY *Thomas*
3 *Bergene Miller*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 15 DAYS
5 TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON
6 MUNICIPAL ZONING; REDUCING FROM 15 DAYS TO 10 DAYS THE
7 MINIMUM NOTICE OF A PUBLIC HEARING ON A PRELIMINARY PLAT OF
8 A PROPOSED SUBDIVISION; AND INCREASING FROM 1 YEAR TO 3
9 YEARS THE INITIAL PERIOD OF APPROVAL FOR A PRELIMINARY PLAT
10 OF A PROPOSED SUBDIVISION BY A LOCAL GOVERNING BODY;
11 AMENDING SECTIONS 76-2-303, 76-3-605, AND 76-3-610, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 76-2-303, MCA, is amended to read:
15 "76-2-303. Procedure to administer zoning laws --
16 hearing and notice. (1) The city or town council or other
17 legislative body of such municipality shall provide for the
18 manner in which such regulations and restrictions and the
19 boundaries of such districts shall be determined,
20 established, and enforced and from time to time amended,
21 supplemented, or changed.

22 (2) However, no such regulation, restriction, or
23 boundary shall become effective until after a public hearing
24 in relation thereto at which parties in interest and
25 citizens shall have an opportunity to be heard. At least 15

1 10 days' notice of the time and place of such hearing shall
2 be published in an official paper or a paper of general
3 circulation in such municipality."

4 Section 2. Section 76-3-605, MCA, is amended to read:
5 "76-3-605. Hearing on preliminary plat. (1) The
6 governing body or its authorized agent or agency shall hold
7 a public hearing on the preliminary plat and shall consider
8 all relevant evidence relating to the public health, safety,
9 and welfare, including the environmental assessment, to
10 determine whether the plat should be approved, conditionally
11 approved, or disapproved by the governing body.

12 (2) When a proposed subdivision is also proposed to be
13 annexed to a municipality, the governing body of the
14 municipality shall hold joint hearings on the preliminary
15 plat and annexation whenever possible.

16 (3) Notice of such hearing shall be given by
17 publication in a newspaper of general circulation in the
18 county not less than 15 10 days prior to the date of the
19 hearing. The subdivider and each property owner of record
20 immediately adjoining the land included in the plat shall
21 also be notified of the hearing by registered or certified
22 mail not less than 15 10 days prior to the date of the
23 hearing.

24 (4) When a hearing is held by an agent or agency
25 designated by the governing body, the agent or agency shall

-2- INTRODUCED BILL

SB 87

1 act in an advisory capacity and recommend to the governing
2 body the approval, conditional approval, or disapproval of
3 the plat. This recommendation must be submitted to the
4 governing body in writing not later than 10 days after the
5 public hearing."

6 Section 3. Section 76-3-610, MCA, is amended to read:

7 "76-3-610. Effect of approval of preliminary plat. (1)

8 Upon approving or conditionally approving a preliminary
9 plat, the governing body shall provide the subdivider with a
10 dated and signed statement of approval. This approval shall
11 be in force for not more than ~~1~~ 2 calendar year years. At
12 the end of this period the governing body may, at the
13 request of the subdivider, extend its approval for no more
14 than 1 calendar year, except that the governing body may
15 extend its approval for a period of more than 1 year if that
16 approval period is included as a specific condition of a
17 written agreement between the governing body and the
18 subdivider, according to 76-3-507.

19 (2) After the preliminary plat is approved, the
20 governing body and its subdivisions may not impose any
21 additional conditions as a prerequisite to final plat
22 approval providing said approval is obtained within the
23 original or extended approval period as provided in
24 subsection (1)."

-End-

Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date Jan. 13 1983

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER	✓		
CRIPPEN	✓		
HAMMOND	✓		
STORY	✓		
MARBUT	✓		
CONOVER	✓		
FULLER	✓		
THOMAS	✓		
VAN VALKENBURG	✓		
BOYLAN	✓		
McCALLUM	✓		

governing body. Sen. Story wondered why there would have to be any protest period if this is for the people who want to be annexed.

Chairman McCallum asked what is meant by "contiguous government property", to which Mr. Mooney replied it would be state highway right-of-ways, parks, government controlled land, etc. adjacent to the annexed area.

There was some concern expressed about reducing the number of days in which a person could protest. Mr. Mooney replied that it was primarily to expedite the process.

There being no further discussion by the committee the next bill was brought forth.

CONSIDERATION OF SENATE BILL NO. 87: Sen. Thomas, also sponsor of SB 87, explained that this bill would reduce the minimum notice of a public hearing from 15 days to 10 days and would also allow the governing body to grant approval or conditional approval on a preliminary plat to not more than three years.

Mr. Walters felt that 15 days is somewhat excessive and at the present time they are actually going through two notification procedures and two public hearings. He felt that this would be much better for the developer in that he could preliminary plat his entire project and then would only have to finalize it by phases.

PROPOSERS: Ardi Aiken, Great Falls, appeared as an advocate for all three bills.

Al Johnson, City Manager, Great Falls, appeared in favor of all three bills. He had not been able to detect any strong opposition to the bills from officials in cities of comparable size.

Dennis Rehberg, representing the Montana Association of Realtors, cited a Billings case that has not been finalized yet and handed out to the Committee some documentation of the red tape that has hampered this developer. (Exhibit #1 attached) He did not feel that this extension to three years would eliminate the red tape but felt that it would have been advantageous to the developer.

Karma Rudy, City of Billings, wanted the committee to be aware that there is a bill in the House, HB 129, that would allow local governments to establish their own planning and zoning procedures.

H.S. "Sonny" Hanson, Montana Association of Planners, felt this would facilitate the developer in a phased approach and was in support of SB 87.

Mr. Mooney stated that all three of these bills have been under review in Great Falls since last spring by the City-County Planning Board, the City Commission, Cascade County Commission and the Great Falls Area Chamber of Commerce.

There were no further proponents.

OPPONENTS: Charles Landman, Montana Environmental Information Center, opposed all three bills because they would deny people the time to become aware and involved. He did not believe all approvals should be for a period of three years.

There were no further opponents.

In closing, Senator Thomas stated that for two years a citizen's group had been working on streamlining these procedures and expressed hope that the committee would look favorably on these bills.

DISCUSSION OF SENATE BILL NO. 87: Sen. Hammond asked if HB 129 would give this power and Dave Bohyer, researcher from the Legislative Council, said it would give cities with self-governing powers more flexibility.

Sen. VanValkenburg, in answer to Mr. Landman's statement about all approvals being for a period of three years, pointed to page 3, line 11 that states: "for not more than 3 calendar years"; not that every approval had to have three years and after reading this Mr. Landman agreed with the Senator.

There were no further questions from the committee. The public hearing on Senate Bills 85, 86 and 87 was closed.

Chairman McCallum thanked all the witnesses for their testimony and time.

Chairman McCallum asked the committee members if they wanted Dave to do some more research on these bills before any action is taken. Sen. VanValkenburg felt that the committee should not take action on the same day as the hearing but to do this at the following meeting. Chairman McCallum did not want this to become a hard and fast rule for all bills as some might require immediate action. He also stated that no amendments are to be written in committee. Dave will draft the amendments and bring them to the following meeting for action.

Senator VanValkenburg introduced his aide for this session. Paul Rapp-Svrcek will be working for Missoula County and the Missoula delevation and will be available to this committee if they so wish.

ADJOURNMENT: The meeting adjourned at 1:50 p.m.


GEORGE MCCALLUM, CHAIRMAN

NAME: HS Hanson DATE: 1/13/83

ADDRESS: HLN

PHONE: _____

REPRESENTING WHOM? MT. Technical Council

APPEARING ON WHICH PROPOSAL: SB-87

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: _____

Two (2) BENEFITS

(1) SHORTEN THE TIME SHOULD HELP
THE SMALL COMMUNITIES TIME
FRAME BY SPEEDING UP THE
PROCESS

(2) EXTENDING FROM 1 yr TO 3 yr
SHOULD PROVIDE FOR PHASE
CONSTRUCTION AS WELL AS
NOT REQUIRING EXTENSIONS ON
THE PRELIMINARY PLAN.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: KARMA RUDER DATE: 1-13-83

ADDRESS: P.O. Box 1178, BILLINGS, MONTANA 59103

PHONE: 406-657-8206

REPRESENTING WHOM? CITY OF BILLINGS

APPEARING ON WHICH PROPOSAL: SB 87

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

H.B. 129 WOULD ALLOW SELF-GOVERNING CITIES &/OR COUNTIES TO DETERMINE THEIR OWN ZONING AND PLANNING PROCEDURES (NOT INCLUDING PLATTING OR SUBDIVISION REQUIREMENTS: THESE WOULD STAY UNDER STATE REGULATION). WE THINK WE COULD ELIMINATE SOME RED-TAPE. ANY COMMUNITY COULD CHOOSE TO CONTINUE USING THE STATE PROCESS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DISCUSSION OF SENATE BILL NO. 364: Sen. Marbut asked why this couldn't be solved by simply removing the words in 2705, "except in counties of the first class". Mr. Racicot felt it would be an excellent way. Sen. Marbut asked if they would get the same effect by just amending this section as they would if they passed the bill. Sen. Story said they don't have the time. Sen. Thomas said that in Great Falls the county attorney doesn't want to go to the school board meetings so the school board hires their own attorney. If this is repealed they would not be able to do that. Chairman McCallum asked if this would be a fulltime position and Mr. Schwartz said that it would be at the option of the county commissioners. The intent was to eliminate "the consent of the county attorney"; just a parttime attorney to help out. Chairman McCallum asked where the state pays 1/2 of the county attorney fees, would they be expected to pay 1/2 of this to which Mr. Schwartz said "no".

Sen. Crippen stated that the bill does not address criminal cases, only civil. The first class counties, now, cannot hire outside attorneys. He wondered why the exception was there in the first place and said that it was because the smaller counties did not have full-time county attorneys. He would go along with this in civil cases, but not in criminal situations.

Mr. Racicot stated that this was much more volatile than what he had first thought. The county attorneys felt this was to be only on an occasional basis. The county attorney veto has held the lid on outside counsel expenses. Sen. Crippen brought out the fact that in smaller counties where the county attorney can have a private practice, he might have represented some of the people. Chairman McCallum stated that any fulltime county attorney cannot practice privately; that is why they have gone to a fulltime county attorney - so they would have legal advice when needed.

Mr. Schwartz stated that as first class counties get larger, there are built-in conflicts, both administratively and politically.

There being no further questions from the Committee, the hearing on SB 364 was closed.

DISPOSITION OF SENATE BILL NO. 130: SB 130, which had been held in committee because of a tie vote, again was considered. Sen. Marbut MOVED DO PASS AS AMENDED. MOTION PASSED, vote 7-4. (See committee report).

DISPOSITION OF SENATE BILL NO. 87: Sen. Thomas offered his proposed amendments and MOVED ADOPTION OF AMENDMENTS. MOTION CARRIED UNANIMOUSLY. Sen. Thomas moved SB 87, DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

Sen. Thomas MOVED TO TABLE SB's 85, 86, 112, 113, 115. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 140: Sen. Story MOVED SB 140 DO PASS AS AMENDED. Sen. Van Valkenburg felt there should be some comments from the sanitarians on the amendments.

SEN. MARBUT closed saying that the testimony given today indicates the need for this legislation. The real key is that second- and third-class cities tend to end up as first-class cities and to allow them the orderly growth possibilities and procedures at this time will solve a lot of the problems that they will have by the time they get to be first-class cities.

REP. BERGENE: There was a gentleman here who raised his hand. Did you want to ask a question?

WM. H. CLARKE, Missoula: Yes.

REP. WALDRON: I would like to ask this gentleman what his problem is with the bill.

WM. H. CLARKE: If an area that is surrounded becomes annexed, does the city force the area to go on the city sewer? Written testimony was submitted.

REP. WALDRON to MIKE YOUNG: Would you answer that question?

MIKE YOUNG: In Missoula, we would allow you to connect to the sewer if you pay construction costs.

REP. WALDRON: If you are in the city, you are required to pay for the sewer, whether or not you connect?

MIKE YOUNG: You pay the sewer use fee, whether or not you connect. We do not force anyone to connect unless it is a commercial establishment, in which case we do.

REP. WALLIN: I have a piece of property that fits this bill (about four acres) but I don't want to develop it at this point in time. To hook onto water and sewer in Bozeman is a requirement to come into the city limits. Do you mean to tell me that suddenly, tomorrow, I am in the city and I have to put water and sewer in that four acres?

ALEC HANSEN: This would not apply to Bozeman.

REP. WALDRON: You wouldn't charge vacant lots for sewer service, would you?

MIKE YOUNG: No.

CHAIRMAN MCBRIDE closed the hearing on ~~SENATE~~ BILL 332.

REP. KITSELMAN will carry this bill on the House floor.

SENATE BILL 87

SEN. THOMAS, sponsor. This bill simply extends the time for a preliminary plat from one year to three years. This is at the option of the local government. They do not have to conform to the time period. It will give local government some flexibility they do not now have.

PROPONENTS:

BILL WALTERS, member of the staff of the Great Falls City-County Planning Board, said the bill has the support of the Planning Board, City Commission and the County Commission. One of the problems with existing law with the one-year limitation is periodically you will encounter a developer who desires to subdivide a 100-acre plat. He doesn't want to do this in one step. He wants to do it in phases. We require him to go through a master plan procedure for the whole 100 acres in order to see how the various phases fit together in the end. As he decides to plat each phase, he has to go through a preliminary plat and a final plat on each phase. This amendment would allow the developer and subdivider to create a preliminary plat of the whole 100 acres and follow that up with the final plat of the various phases, as long as he could get it done within that three-year time period. We think, in the end, it would expedite development and be a time and cost savings for both the developer and public officer that would be involved in the process of these plats. This additional time would allow the developer to arrange his financing.

DENNIS REHBERG, representing the Montana Association of Realtors, said one of the cases he worked on in Washington D. C. under REP. MARLENEE was a particular subdivision in the City of Billings. They received their preliminary plat approval on the local level and then received it on the state level. Because it was a Title 10 unguaranteed loan, they then had to go to HUD but the preliminary plat was already agreed to. They made application on April 15, 1981. They received final approval April 1, 1983. That didn't fall within the one-year extension. There was a loophole in the law allowing him to continue rather than go back and start the preliminary plat procedure all over again. His particular problem was financing. The bonding company would not give him his loan on the entire project until HUD gave them a letter of commitment. HUD would not give them a letter of commitment until the bonds were sold. This legislation we support because of a fumble in Billings, Montana.

AL JOHNSON, Great Falls, said he supports this legislation.

OPPONENTS:

TOM FINCH, University Area Homeowners' Association, Missoula, requested that the Committee guard against any respiration in this bill of the very short notice period (EXHIBIT 4).

WM. H. CLARKE, Missoula, said as it says, the initial approval is one year. They can get a one year extension and the extension can be for a long time if the approval is included as a specific condition of a written agreement. For the fellow who is developing a 100-acre parcel, that would be a condition which would warrant the extension for a longer period of time if it is contained in the written agreement. I can't see why this bill has to be written to allow what seems like is already provided. The other thing is--subsection (2) which states that "after the preliminary plat is approved, the governing body of the subdivision may not impose any additional conditions." If we are talking about a three-year period of initial approval and a one-year period of approval after that plus it can be longer in response to a written agreement, you are talking about undeveloped land which may have undeveloped land around it. The condition of the undeveloped land could change so much that it would be fair for a planning body to want to look at the changed situation and make additional conditions. If you are going to allow the extension of three years, strike subsection (2) entirely.

SEN. THOMAS closed saying he thought the section that the individual from Missoula was referring to requires a bond and developers are very reluctant to go into that procedure to take and extend the plot plan. We think this is a good piece of legislation to allow some good planning. We think the cost can be passed on to the customer without jeopardizing the planning process.

QUESTIONS:

REP. SANDS: If we do permit the three-year period, shouldn't we allow additional conditions to be imposed during that period?

WM. CLARKE: If you would strike subsection (2), you would find opposition arising from developers and real estate people. That opens the door for placement of additional conditions. If there are no limitations to that, it could generate a lot of opposition from subdividers and developers. When the governing body looks at a preliminary plat, they can foresee some possible changes occurring and they do have the option to not grant that full three-year period of approval to the preliminary plat.

CHAIRMAN McBRIDE closed the hearing on SENATE BILL 87.

SENATE BILL 322

SEN. HALLIGAN, sponsor. The original intent of the bill was to allow municipalities to regulate their own utilities. The Senate has removed language and allowed what was done in 1981 which is simply to put in cement the provision the municipalities who owns its utilities can raise its rates up to 12% without having to go to the Public Service Commission for approval. There is an Audit Committee bill that does the same thing but adds some language to it. Because that bill has amendments to it that are accepted by cities and other public service commission, I would recommend to table this bill.

PROPOSERS:

BILL VERWOLF, City of Helena, said this has been used for two years and we feel it has been extremely beneficial in cities living with their water and sewer systems in this particular time. The provision allows we can do annual increases up to 12% without going to the Public Service Commission. There is also a very complete system of public hearings and public notices that are provided in the system so that we don't just pass these at a single meeting. The protections are there so that people get the chance to testify; they know that the rate changes are being made. There is also provision for those capital improvements mandated by the State Department of Health or the EPA, we can make the required adjustments in our rates to fund those things--whether or not they are under 12%. It is very important that the local elected officials are the ones who need to be making that decision. The last time we went to the Public Service Commission for a rate increase which was in 1982, we filed in January and received an answer in September. We think it is very important that this be continued. We would agree with SENATOR HALLIGAN it is important that this bill be looked at in conjunction with the auditing bill.

MIKE YOUNG, Missoula, said he supported the concept of tabling. In terms of both bills, flexibility and protection provided are necessary and meaningful for local government.

ALEC HANSEN, Montana League of Cities and Towns, spoke in support of this legislation. This bill would provide the 12% increase. The other bill which was drafted, and has been in the process of being drafted for about six months, provides the same basic authority; but in working on that bill, we met with the Public Service Commission and agreed to some amendments that are included in SENATE BILL 436. They provide

in June of 1982. Initial system development costs were estimated at between \$150,000 to \$200,000 while annual maintenance costs would be \$35,000 to \$50,000.

The third option would be for the associations of counties and cities to take the responsibility for estimating the local government fiscal impacts of various legislation. They would have to determine if this is possible.

It was this third option that SENATOR MAZUREK as well as local government people alluded to instead of the second one.

REP. SANDS: Would it be appropriate to require that in the bill as the means of making the fiscal note.

CHAIRMAN McBRIDE: You can put it in directly that there will be no funds associated with this bill. The other way is to provide no money with it and they are forced to go with the third option.

REP. WALDRON: At some point in the future, the Budget Office might add some staff. So I wouldn't know if you want to limit it too much. We might find better times in the future when they will have a local government specialist in the Budget Office.

The motion that SENATE BILL 130 BE CONCURRED IN was voted on and PASSED UNANIMOUSLY.

REP. WALDRON will carry SENATE BILL 130 on the House floor.

SENATE BILL 322

SEN. HALLIGAN, sponsor. This bill removes the termination provision from the law allowing regulation by a municipality of municipally-owned utilities.

REP. SALES: Moved that SENATE BILL 322 BE TABLED.

The motion was voted on and PASSED UNANIMOUSLY.

SENATE BILL 87

SEN. THOMAS, sponsor. This bill extends the approval agreement on preliminary subdivision plats from less than 1 year to from 1 to 3 years.

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Minutes of the Meeting of the Local Government Committee
March 10, 1983

REP. SALES: Moved SENATE BILL 87 BE CONCURRED IN.

CHAIRMAN McBRIDE: All this bill does is to extend time up to 3 years so that they can have approval between 1 and 3 years or up to 3 years.

The motion was voted on and PASSED UNANIMOUSLY.

REP. BERGENE will carry the bill on the House floor.

SENATE BILL 332

SEN. MARBUT, sponsor. This bill extends to all cities the ability to annex wholly surrounded land.

REP. SALES: Moved that SENATE BILL 332 BE CONCURRED IN.

CHAIRMAN McBRIDE: What class city is Hamilton?

REP. SCHYE: Second class.

CHAIRMAN McBRIDE: So this would affect them.

REP. WALDRON: There are some exceptions in this bill. Where are they?

LEE HEIMAN: What it does, it provides that the protest provisions set out earlier apply unless 7-2-4502 applies and 4502 says there is no right to protest. I think it is archaic; except it may apply in the fact that you don't have protests but you send out the notices. If the notice goes out and you are exempt under 4503, you can send it back in and halt the annexation.

REP. WALLIN: I think we should amend that a person can protest.

CHAIRMAN McBRIDE: That is existing law for first-class cities now.

REP. WALLIN: Maybe we should change existing law and include them all.

CHAIRMAN McBRIDE: I don't know if you can do it under this bill.

The motion was voted on and SENATE BILL 332 PASSED with REPS. VINGER, SWITZER, PISTORIA and WALLIN voting no.

REP. SPAETH was going to be asked to carry this bill on the floor of the House.